



AEC ref: BIVON5

31 October 2024

Funding and Disclosure

Timothy Robertson
Acting Assistant Commissioner
Disclosure, Party Registration and Redistribution Branch
Australian Electoral Commission
Locked Bag 4007
Canberra ACT 2601

Dear Acting Assistant Commissioner,

Response to Notification of objection lodged by Jacqui Lambie Network under s 132(2)(b) of the Commonwealth Electoral Act 1918 (Electoral Act) – Tammy Tyrrell for Tasmania.

As [REDACTED] I refer to your letter of 23 October 2024 to [REDACTED], President and Proposed Registered Officer, and write on behalf of Tammy Tyrrell for Tasmania. In response to the objections raised under sections 129A(1)(c) and 129A(1)(d) of the *Commonwealth Electoral Act 1918*, we assert that the Tammy Tyrrell for Tasmania logo is sufficiently distinct from the Jacqui Lambie Network (JLN) logo as to support its registration and dismiss the objections of the JLN. Our arguments are supported by quantitative analysis and grounded in Australian legal principles.

Summary of JLN claims

Summary of key points

The JLN opposes the registration of the 'Tammy Tyrrell for Tasmania' proposed logo based on two main grounds under the Electoral Act:

1. **Section 129A(1)(c):** The proposed logo so closely resembles the JLN logo that it is likely to cause confusion or be mistaken for it.
2. **Section 129A(1)(d):** The resemblance would lead a reasonable person to believe there is a connection or relationship between 'Tammy Tyrrell for Tasmania' and the JLN, which does not exist.

Arguments & evidence offered

Similar design elements: Both logos feature a silhouette of Tasmania, a key element associated with the JLN brand.

Font styling: The proposed logo uses a hierarchy of font weights (regular followed by bold) similar to that of the JLN logo.

Size and clarity issues: When reduced in size, such as on a ballot paper, the similarities increase the likelihood of voter confusion.

Former association: Senator Tammy Tyrrell's previous affiliation with the JLN may reinforce the perceived connection between the two entities.

In short, the claim can be boiled down to three component parts:

1. The Tammy Tyrrell for Tasmania proposed logo is sufficiently similar (in specified ways) to that of the registered JLN logo as to cause confusion;
2. This similarity of design is the cause of this presumed confusion; and
3. The 'confusion' is compounded by:
 - a. the political history of the JLN and Senator Tammy Tyrrell; and
 - b. the size of a ballot paper.

For these claims to be upheld, it must be demonstrably true that the similarities in design and styling between the two logos (to the extent that there are any) are significant enough to cause confusion among voters. There must be sufficient evidence to suggest that a reasonable person would mistakenly believe there is a connection between 'Tammy Tyrrell for Tasmania' and the JLN due to the logo's resemblance.

If it is not demonstrably true that there would be confusion among voters that arises from the design of the logo, then the claim cannot be upheld.

It is on this threshold that we shall focus our response.

The Tammy Tyrrell for Tasmania proposed logo is sufficiently similar (in specified ways) to that of the registered JLN logo as to cause confusion

The objection regarding materially similar logo design references two specific elements of the design of the proposed Tammy Tyrrell for Tasmania (Tyrrell) logo:

1. The JLN objection claims that “the proposed logo includes a silhouette in the shape of Tasmania”. This is uncontested. They extend this claim to state that the silhouette is “a key feature of the JLN logo”, which we contest.
2. The JLN objection secondly claims that the Tyrrell logo features a materially similar “hierarchy of font weights”, which adheres to “the same styling as the JLN.” “The proposed logo uses the JLN’s styling of fonts from regular, followed by bold”, the JLN claims. We contest this claim also.

Map objection





The use of geographic representations of the territory in which the political party intends to contest elections is common practice.

Prevalence of geographic imagery

Many Australian political parties registered with the Australian Electoral Commission (AEC) incorporate geographic outlines, particularly maps of Australia or its regions, into their logos.

The use of Tasmania’s silhouette is a common symbol representing regional identity and is part of the public domain.

The following table lists all parties with registered logos (that are not subsidiaries), as of 30 October 2024:

Party	Logo	Contains common geographic or national iconography?
Animal Justice Party		Map of Australia
Australian Christians		
Australian Citizens Party		Map of Australia
Australian Democrats		

Australian Federation Party



Australian Greens



Australian Labor Party



Centre Alliance



Country Liberal Party



Dai Le & Frank Carbone W.S.C



Flag of Australia (Southern Cross)

David Pocock



Family First



FUSION: Science, Pirate, Secular, Climate
Emergency



Indigenous – Aboriginal Party of Australia



Jacqui Lambie Network



Map of Tasmania

Katter's Australia Party



Kim for Canberra



Legalise Cannabis Australia



Liberal Party of Australia



Flag of Australia (Southern Cross)

Libertarian Party		Map of Australia
National Party of Australia		
Pauline Hanson's One Nation		Flag of Australia (Southern Cross)
Shooters, Fishers & Farmers Party		
Socialist Alliance		Map of Australia
Sustainable Australia Party – Universal Basic Income		
The Great Australian Party		Map of Australia
Victorian Socialists		

Table 1. List of registered political logos as of October 2024

Of the 27 parties with registered logos, six, or 22 per cent, have an iconic representation of a common geographic landmark (in this case, Australia), and a further three, or 11 per cent have an element of our common national emblem (our flag). Taken together, one third of all logos successfully registered by the Australian Electoral Commission contain an iconic representation of Australia, either as a political entity or as a geographic entity.

We outline this to demonstrate that it is routine for Australian political parties registered with the Australian Electoral Commission (AEC) to incorporate geographic outlines, particularly maps of Australia or its regions, into their logos. The use of Tasmania's silhouette is a common symbol representing regional identity and is part of the public domain. Maps and national iconography are routinely used in Australian political party logos, but this does not mean these parties can claim exclusive sole connection to them. To do so would imperil freedom of political communication, preventing legitimate political expression by seeking to monopolise an icon one did not create or substantially transform. Tasmania's silhouette was not created by the Jacqui Lambie Network. The JLN sought to display its connection to the region the icon represents by including the icon in its logo. The JLN did not seek permission to do so; nor should it have. This is because, were it to wish to seek permission, from whom would it seek it?

No party can claim that it is uniquely linked to them. The map of Tasmania, as a component of the map of Australia, cannot be considered as a separate, unique, piece of art.

Font objection

The specific claim by the JLN that the hierarchy of font weights is associated with the JLN in the minds of voters is gross overreach and an absurd claim, *prima facie*.

It is so substantially baseless that even its foundational premise is wrong: namely, the Tyrrell logo does not contain this hierarchy, and, crucially, the JLN logo does not contain this hierarchy.

The Tyrrell logo contains two typefaces: one, a serif font (Roca), and another, sans-serif (a customised based on Kilimanjaro Sans). The weight of the serif font is Bold. There is no weight for the sans-serif font as it is customised. However, it may be inferred based on the width of each glyph that, were it to be multi-weight, it would be a heavily-weighted font face.

The Jacqui Lambie Network logo uses "Brush Up," a handwritten-style font for "Jacqui Lambie." It employs a heavy-weight sans-serif font (Colfax) for "NETWORK."

"Brush Up" does not have multiple weights. Both 'Jacqui' and 'Lambie' are in the same weight, therefore.

It should be observed that, at face value, one may interpret this claim for exclusive usage of this 'hierarchy' that the JLN claims as being a claim that the use of two font weights from the same font family, where the initial use is of a lower weight than the subsequent use is their substantially unique and protected design feature.

This cannot be the case.

This is because nowhere in the JLN logo are there two instances of the same font family being used in two separate weights. It follows that it cannot be claimed reasonably that the JLN has 'ownership' of a design pattern that it does not itself employ.

This in mind, it must instead be the case that the claim being advanced by the JLN is not to reserve exclusive usage of the sequence of progressing from a lighter weight from a single font family to a heavier weight within the same font family. Instead, if the claim is to have any validity, it must be that the JLN is claiming exclusive usage of the principle of using two different fonts — even two wholly unrelated fonts — with different font weights. This is left as the sole typographical element that is common to both the Tyrrell and JLN logos.

Were this to be the case, then the registered logos of the Victorian Socialists would be in breach of this principle. Pauline Hanson's One Nation's logo would be in breach. David Pocock's logo would be in breach. The National Party's logo would be in breach. Shooters, Fishers & Farmers Party's logo would be in breach.

However, we would not suggest that any of these logos are likely to confuse voters on election day's ballot papers. This is because the use of different fonts with different weights is such a universal design principle that voters, with a lifetime of training, are fully capable of differentiating between logos that employ it.

Claiming exclusivity over such common design elements would unreasonably restrict creative expression and is not supported by trademark law.

Ignoring the spurious and unserious claim advanced by the JLN, there still remains the question of whether any typographic element within the Tyrrell logo may lead to the confusion of voters. Even if the JLN's claim that it should be recognised as the exclusive owner of the use of multiple fonts is rejected, there remains the possibility that there is something that may be confusing that has not been argued by the JLN.

Design as composition

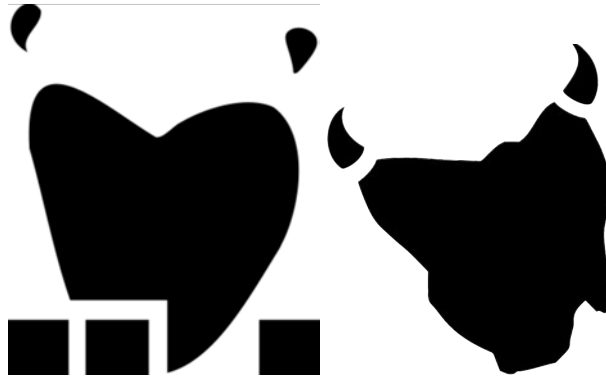
Within trademark law, the internationally-accepted principle is to review trademarks as a whole, and not in dissected components and subcomponents. This is to assess infringement in a manner consistent with the manner that the public considers a mark — as an object, rather than a collection of objects.¹

We would argue that the principle applies here. The typographic elements of the Tammy Tyrrell logo are distinct from those of the JLN logo. Differences in font choices, styles, and arrangements contribute significantly to the logos' overall distinctiveness. We would argue that voters do not typically compare ballot paper logos by the weight of fonts used, but by the total composition of the icon itself (including, but not exclusively limited to, its use of typography). The arrangement of elements within the icon is significant, both in respect to the relative size of elements, the position of each element, and the style of each element.

It is therefore useful to consider *not only* what is common between two logos but also what is distinctive about each. A focus on the count of common features, by necessity, inflates as the count of total features inherent to the logo increases. Its absolute number is not as material as the overall proportion, which is why distinct elements are necessary to consider.

¹ *Helmet Co. v. Wm Wrigley Jr. Co.*, 245 F.2d 842; *Pennzoil Co. v. Pennsylvania Petroleum Co.*, 159 M.D. 187

The use of a stylised map of Tasmania



The stylised maps in the Tyrrell and Lambie logos, respectively

Both the registered logo for the JLN and the proposed Tyrrell logo feature a stylised map of Tasmania. However, their presentation is materially different.

The Tyrrell logo is partially obscured by the glyphs of the word 'Tyrrell', which introduces **depth**. The JLN logo is **flat**: no elements are presented as being in front or behind any other.

The map in the Tyrrell logo is stylised to appear similar to a heart. This design is achieved by making liberal changes to, in particular, the geography of the west and south-east coastlines of Tasmania. The map in the JLN logo is stylised to have horns. Otherwise the extent to which it stylises the coastline of Tasmania is limited to rendering it in straight lines, to simplify the silhouette. **Straight lines are used frequently in the JLN logo; they are entirely absent in the map in the Tyrrell logo.**

The use of a serif font



The Tyrrell logo's 'Tammy' text is rendered in a serif font. Serif fonts are never used in the JLN logo. Indeed, while 'handwritten' fonts like those used by the JLN font are also found in other registered party logos, to our knowledge **only one other registered Australian political logo utilises a serif font**. This is a visually unique and distinguishing characteristic of the Tyrrell font that undermines the argument that its registration would be expected to cause voter confusion.

The use of lower-case letters

The Tyrrell logo's 'Tammy' text is rendered in lower-case, while all text in the JLN logo is uppercase. The exclusive use of uppercase text is found throughout most political party logos, making the JLN's use of this technique common to a number of other logos likely to appear on the same ballot paper. But as it is such a commonly-employed technique, it would be impossible for any party to seriously claim the technique as exclusively associated with its own identity.

This similarity of design is the cause of this presumed confusion

However, we acknowledge that this position is difficult to quantify. To that end, to assess the potential for confusion between the Tammy Tyrrell and JLN logos, we conducted a quantitative analysis using the **Contour Matching, Structural Similarity Index Measure (SSIM)** and **feature point matching** techniques. We also compared both logos to well-known Australian brands to establish a baseline for similarity.

Three methodologies for logo distinctiveness analysis

1. Structural Similarity Index (SSIM)

The SSIM methodology evaluates image similarity by analysing patterns of pixel intensity variation, specifically examining luminance, contrast, and structural patterns. Unlike simple pixel-by-pixel comparison, SSIM considers the human visual system's sensitivity to structural information in images, making it particularly relevant for logo comparison at ballot-paper scale.

When applied to black and white logos, SSIM is especially effective as it reduces the complexity of the comparison to structural elements alone. The algorithm examines local windows of pixels across both images, computing correlation coefficients that represent how similar the structural patterns are between the two logos.

The methodology's acceptance in legal contexts stems from its ability to provide objective, reproducible measurements of visual similarity. In Australia, while not yet extensively cited in trademark cases, SSIM analysis has been used in empirical studies of trademark infringement decisions^{2 3}.

² https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3367448

³ <https://digitalcommons.law.scu.edu/cgi/viewcontent.cgi?article=1642&context=chtlj>

2. Contour Analysis via Hausdorff Distance

Contour analysis using Hausdorff distance measures the extent to which each point in one logo's outline finds a corresponding point in the other logo's outline. This methodology is particularly relevant for comparing logos that contain geographic elements, as it can precisely measure shape similarity while accounting for scaling and positioning variations.

The method first extracts the outer edges of each logo using edge detection algorithms, then computes the maximum distance that a point from one logo's contour would need to travel to reach the nearest point on the other logo's contour. This provides a mathematical measure of shape difference that aligns well with human perception of form similarity.

3. Feature point matching

Feature point matching using ORB (Oriented FAST and Rotated BRIEF) detects distinctive points in each logo and attempts to find corresponding points in the other logo. This method is particularly relevant for comparing logos that combine text and symbolic elements, as it identifies and matches specific characteristic features rather than overall shapes.

The technique creates a mathematical description of each distinctive point in the logos – corners, intersections, and areas of high contrast – then attempts to match these points between the two logos. The resulting match count and quality provide a quantitative measure of similarity that is resistant to scaling and minor distortions.

Synthesis of quantitative evidence

The three methodologies provide complementary evidence of logo distinctiveness by measuring different aspects of visual similarity. While SSIM evaluates overall structural patterns and pixel-level relationships, contour analysis specifically examines shape boundaries and geographic element implementation, and feature point matching identifies distinct characteristic elements within each design. The combination of these approaches provides a robust, multi-dimensional analysis of the visual differences between the marks.

Critically, each methodology's results support distinctiveness through different mathematical frameworks, strengthening the conclusion: the SSIM score indicates minimal structural overlap in how the designs are executed; the Hausdorff distance demonstrates that even where geographic elements are employed, their implementation differs significantly; and the low feature point match ratio confirms that the distinctive elements of each logo are fundamentally different. While these computational methods are novel in their application to electoral logo assessment, they offer objective, reproducible measurements that complement traditional visual analysis in evaluating the marks' distinctiveness.

Quantitative results

Brand Logo	Contours	SSIM (vs Tyrrell)	Feature Point Matches (vs Tyrrell)	SSIM (vs JLN)	Feature Point Matches (vs JLN)
Tammy Tyrrell	18	1	465	0.4828530479	114
Jacqui Lambie Network	29	0.4828530479	114	1	429
Telstra	1	0.5502263669	14	0.44930332	13
Rio Tinto	10	0.6320756199	98	0.5434535502	103
CSL	3	0.6141851936	52	0.469635277	46
Westpac	3	0.6475206971	16	0.5023297459	22
Commonwealth Bank	1	0.6048618077	9	0.5108799765	8
BHP	5	0.6357921609	41	0.5122843463	36
NAB	1	0.549725731	52	0.4543477665	38

Table 2. Results of three different methodologies for determining image similarity

Results and discussion

The comparative analysis against established corporate logos provides compelling context for assessing the distinctiveness of the Tyrrell and Lambie political marks. When compared to seven of Australia's largest companies' logos, both the Tyrrell and Lambie logos demonstrate similar levels of differentiation from these established marks as they do from each other. Specifically, the Structural Similarity Index Measure (SSIM) scores reveal that Tyrrell's logo shows similarity measures ranging from 0.55 to 0.65 when compared to major corporate logos, while Lambie's scores range from 0.45 to 0.54. In direct comparison, the SSIM score between the Tyrrell and Lambie logos is 0.48, which falls within the same range as their similarity to completely unrelated corporate logos, such as the Commonwealth Bank's logo. Notably, this analysis reveals that the Tyrrell logo demonstrates higher visual similarity to established corporate marks like Westpac, NAB, Commonwealth Bank, Rio Tinto, Telstra, CSL, and BHP than it does to the JLN logo.

The feature point matching further substantiates this conclusion. The Tyrrell logo, containing 465 total feature points, exhibits between 9 to 98 matches when compared to major corporate logos, while Lambie's logo, with 429 feature points, shows between 8 to 103 matches. While there are 114 matches between the Tyrrell and Lambie logos, this represents only 24.5% of Tyrrell's total features matching 26.6% of JLN's features — meaning approximately 75% of each logo has no equivalent in the other. Similar match counts are observed between the political logos and corporate logos — Lambie with Rio Tinto's logo

shows 103 matches, and Tyrrell with the same corporate mark shows 98 matches. This suggests that the feature matching algorithm is identifying similar points across distinctly different logos, likely due to their use of typography – basic design elements that are widely used and cannot be monopolised by any single entity.

The contour analysis provides the most compelling evidence against the claim of similarity. Tyrrell's logo contains 18 distinct contours, while Lambie's logo comprises 29, representing a 61% difference in structural complexity. This difference is greater than the total number of contours found in most of the corporate logos analysed (e.g. Telstra: 1, CSL: 3, NAB: 1, CommBank: 1). This substantial difference in structural complexity underscores the distinct visual identities of the political logos, further undermining any assertions of confusing similarity.

When these quantitative measures are taken together, they undermine the JLN's objections that there would likely be any voter confusion from the registration of Senator Tyrrell's proposed logo. The argument is not only weak but also demonstrably vexatious. The claims of confusing similarity are invalidated by the three separate methodologies, each of which are easily reproducible, which shows that the Tyrrell and Lambie logos maintain distinct visual identities comparable to established corporate brands.

Implication

The quantitative analysis demonstrates that the Tammy Tyrrell and JLN logos are objectively distinct.

The similarity metrics between the two logos are comparable to those between the Tammy Tyrrell logo and unrelated brands, suggesting a low likelihood of voter confusion based on visual similarity.

The probability that the JLN voter will fail to perceive a visual distinction between the Tyrrell logo and the JLN voter is roughly equivalent to the probability that the JLN supporter will fail to vote for the JLN due to mistaking its logo for that of Rio Tinto.

The 'confusion' is compounded by the political history of the JLN and Senator Tammy Tyrrell, and the size of the ballot paper

Political history

This is an irrelevant argument. It has no bearing on the question of whether the logo would lead to confusion and impede the genuine reflection of a voter's intentions.

To the extent that there is any confusion over the political history of the JLN and Senator Tammy Tyrrell, one might assume it would be immediately resolved by the presence of a

separate logo on the ballot paper, representing somebody other than the JLN. If the interest from the JLN is genuinely in avoiding voter confusion (which, we would submit, is plainly not), then the question must be whether it addresses voter confusion more effectively to have voters met with two different logos, representing two different parties, or to not have two logos, and instead risk voters, unaware of the recent deterioration of the Network's support for Senator Tyrrell, casting a ballot for the JLN in the belief that doing so would support Senator Tyrrell.

If there is any cause for confusion, it does not arise from the history of the JLN with respect to Senator Tyrrell. It must arise from something else, and simply be amplified by other elements, which are outside the scope of decision-makers, the control of the applicant (or the objector), and impossible to test. The claim is thoroughly unscientific, entirely speculative, offered without any supporting evidence or substantial basis in fact — indeed, its nature as such is intrinsic to it. It cannot be tested. It cannot be disproved.

One would have hoped that this would not require saying, but if the logo would cause voter confusion for reasons other than the logo, it is not the logo that is causing confusion. Similarly, if confusion is due to reasons that are inherent to the logo, then the reasons other than the logo are irrelevant.

Ballot paper size

This argument misunderstands the application process. There is no size that is being sought to be registered other than the size that would appear on a ballot paper. There cannot be an argument that a logo would, at its size on application, be unlikely to cause confusion, but that in appearing at the size required by the format of a ballot paper, would cause confusion. This is because there is no difference between the two. There is no application to register a logo that is larger than the logo that is before the AEC, on which this objection is based, and on which this response is also based.

This is why the claimed concern by the JLN that "confusion only worsens the smaller the logo" is logically unsound. One struggles to conceive of an instance where the logo in question would be rendered at a size below that of a ballot paper. If the logo is confusing at the size of the ballot paper, and that is the size that is before the application, then there are no grades of confusion.

If any logo is confusing at the size that is being considered by the AEC then it is due to its inherent design, and not an artefact of its rendering quality or compression. It is a totally hypothetical and imagined scenario by the JLN that the image becomes more difficult to interpret at sizes smaller than the size it would ever be rendered. It simply has no bearing on the decision here. Were one to judge the degree to which an image is confusing by the degree to which it loses its visual distinctiveness as sizes smaller than it will ever be presented to members of the public, then we could just as easily ask whether any image can be differentiated at a sufficiently small size. If we would reject a 10mm x 10mm image on the basis

that it leads to confusion at 5mm x 5mm, should we also consider the potential for confusion at 4mm x 4mm, or 2mm x 2mm, or any other plainly ridiculous scale? The panic that the JLN displays that the logo may be difficult to distinguish at an absurd and extremely small scale can be relieved quickly: you need not panic. It is our understanding that the AEC does not request a logo that is 10mm x 10mm with the intention to display it at half that size.

Legal framework and analysis

Australian trade mark law's foundational principle that marks must be examined as composite wholes rather than isolated components (*Shell Co of Australia Ltd v Esso Standard Oil (Australia) Ltd* [1963] HCA 66) takes on particular significance in the electoral context. This principle, combined with the High Court's emphasis on protecting free political communication (*Australian Capital Television v Commonwealth* [1992] HCA 45), suggests an even higher threshold for monopolising common political symbols than exists in commercial contexts.

The application of these principles to electoral logo disputes requires consideration of three key questions:

1. Whether a party can acquire such distinctive character in a geographic element that it can prevent other uses;
2. Whether the overall visual impression, considering all elements together, would likely cause confusion among reasonable voters; and
3. Whether protecting geographic elements in this context serves or hinders democratic expression

When examining these questions through the framework established in *Lange v ABC* [1997] HCA 25, any restriction on political logos must be assessed against three criteria: whether it burdens political communication, whether it serves a legitimate purpose compatible with representative government, and whether it is reasonably appropriate and adapted to serve that purpose. While preventing genuinely confusing similarity serves legitimate electoral integrity interests, overly broad restrictions on geographic symbols would fail this proportionality test.

The practical application of these principles must account for the specific conditions of electoral materials. Ballot papers present distinct viewing conditions including limited size, black and white reproduction, and standardised formatting. Under these conditions, Shell's "total impression" test must consider how the marks appear in actual ballot conditions, whether differences remain distinguishable at required scales, and the context of other electoral materials where logos appear.

In the current case, this legal framework suggests that the geographic element alone cannot sustain an objection unless the JLN can demonstrate extraordinary acquired distinctiveness.

This is particularly challenging given that the use of Tasmania's silhouette in electoral contexts predates the JLN's adoption of it. Further, the "total impression" analysis must consider the typography differences, layout distinctions, and overall composition in ballot context. These elements must be assessed not in isolation, but as they would appear to voters under actual electoral conditions.

The balance point in this analysis lies in protecting against actual voter confusion without unduly restricting political expression. Any restriction must be proportionate to the genuine risk of confusion, particularly given the democratic context in which these logos operate. This suggests that while protecting against genuine confusion serves a legitimate purpose, the threshold for establishing such confusion must be higher than in commercial contexts, reflecting both the sophisticated nature of the Australian electorate and the fundamental importance of free political communication in our democratic system.

Application to the quantitative evidence

This heightened threshold for confusion in the electoral context becomes particularly significant when considered against the quantitative analysis of the logos. The evidence demonstrates that both the Tyrrell and JLN logos share more similarities with various corporate marks than they do with each other. Specifically, the Structural Similarity Index Measure (SSIM) score between the Tyrrell and JLN logos (0.48) is lower than Tyrrell's SSIM scores with major corporate logos, which range from 0.55 to 0.65. In other words, Tyrrell's logo is mathematically more similar to the marks of Westpac, NAB, Commonwealth Bank, Rio Tinto, Telstra, CSL, and BHP than it is to the JLN logo.

This finding creates an insurmountable barrier to meeting even a commercial threshold for confusion, let alone the higher threshold required in electoral matters. If Tyrrell's logo bears greater similarity to Rio Tinto's corporate mark than to the JLN's logo, it becomes logically impossible to sustain an argument that voters would likely confuse it with the JLN's mark. This is further reinforced by the feature matching analysis, which shows that approximately 75% of each political logo has no equivalent in the other, and by the substantial 61% difference in structural complexity revealed through contour analysis.

These quantitative measures demonstrate that the logos fail to approach even the lower commercial threshold for confusing similarity. Given the heightened threshold required in electoral matters, and the fundamental importance of protecting free political communication, the objective evidence renders the JLN's objection not merely unsuccessful, but fundamentally misconceived.

Summary

Based on the quantitative analysis and legal principles outlined above, the Tammy Tyrrell logo does not infringe upon sections 129A(1)(c) or 129A(1)(d) of the *Commonwealth Electoral Act 1918*. The objection from the JLN is without merit and should be dismissed.

The use of common symbols is not protected: The AEC has historically registered multiple logos featuring common symbols like maps without issue. We are unaware of any precedent of the AEC rejecting a logo solely based on the inclusion of a geographic outline also used by another party.

Legal framework: Protection is generally afforded to unique combinations of elements that create a distinctive overall impression. Common design elements, such as geographic shapes or standard typographic practices, are not subject to exclusive ownership under Australian law.

While both logos incorporate imagery related to Tasmania, the manner of depiction, level of abstraction, typography, and overall design are materially different. These differences are supported by objective evidence and reduce any reasonable likelihood of voter confusion. Therefore, the logo should be deemed compliant with AEC regulations and approved for use.

Yours sincerely



Tammy Tyrrell for Tasmania



Appendix 1:

A suggestion for future AEC Tool-Based Standardization and Assessment of Vexatious Claims

It is sensible to allow the public to submit objections to the registration of political parties. It is similarly reasonable to allow political parties to also engage in the process, irrespective of their motivations for doing so.

Inevitably, however, the process invites abuse when it is reliant on entirely subjective assessment by the decision-maker. No matter how perfect their judgement may be (and we do not wish to express anything other than our confidence in it), it is impossible to confidently assert that, in 100 identical assessments, with the same information and evidence, all held independently of each, that the same 100 outcomes would be reached every time. Further, the assessor's identity may change with time, and their disposition, views, relative weighting of different sources of input, and other considerations, may not perfectly map to those of their predecessors. (This should be anticipated).

This is not an inherent problem built into the system. It is a solvable one, with open-source, transparent tools that may provide objective, quantifiable evidence of similarity and difference. Repeated 100 times with identical inputs, the same 100 outcomes will be returned, as they are based on unchanging algorithms.

A web-based assessment tool integrated into the AEC's logo submission platform would transform this process from an adversarial battleground into a transparent, objective system. By allowing parties to test their logos against existing registrations before submission, and providing clear metrics showing distinctiveness levels, such a tool would both prevent inadvertent similarity and expose deliberately vexatious objections. This approach would significantly reduce administrative burden, create certainty for new registrants, and prevent the logo registration process from being misused as a political weapon.

It need not supplant the judgement of the decision-maker but nonetheless could provide an invaluable data point with which to assess these claims. It could simply inform the consideration, rather than substitute for it. We would wager that such information would improve decision-making rather than hinder it. Should a precedent be established by the decision-maker in the future, which explicitly utilises such a technique to rule out a claim of similarity, a web-based tool could then be used to warn submitters that their submitted logo has similarities that exceed a safe or tolerable threshold. This would inform both the decision-making of the AEC as well as submitters, and could be used in their arguments of defence, as well as any objector's arguments in favour of rejection.

The current objection from the JLN represents precisely the type of vexatious claim such a system would prevent. Their assertion that the use of different fonts in different weights somehow constitutes a protectable "hierarchy" is, on its face, absurd – this would effectively grant them ownership over one of the most fundamental principles of typographic design. Their claim to the exclusive use of Tasmania's silhouette is equally specious; following this logic, no new party could use any geographic representation in their branding without infringing on existing marks. When subjected to quantitative analysis, the alleged similarities dissolve into clearly distinct design implementations.

The timing and nature of this objection, combined with the demonstrably weak basis for claimed similarity, strongly suggests its true purpose is political obstruction rather than legitimate concern about voter confusion. The quantitative analysis demonstrates unequivocally that these logos are distinct across multiple mathematical frameworks. That the JLN would advance such tenuous arguments under the guise of protecting electoral integrity actually undermines that very integrity, by attempting to misuse administrative processes for political advantage.

A standardised assessment tool would have immediately exposed the hollowness of these objections, saving both administrative resources and preventing the use of the registration process as a tool for political obstruction. When objective metrics show logos are clearly distinct, as in this case, parties should face consequences for bringing vexatious claims that waste public resources and impede democratic participation.

Appendix 2:

Original JLN Objection

The JLN opposes the registration of the 'Tammy Tyrrell for Tasmania' proposed logo based on the following two points:

1. Per s 129(1)(c) of the Electoral Act, the proposed logo so nearly resembles the logo of the JLN to the point that it is likely to be confused with or mistaken for the JLN logo. Notably, the proposed logo includes a silhouette in the shape of Tasmania, which is a key feature of the JLN logo. This is the JLN's established logo, which its supporters have long associated with the brand. Further, the hierarchy of font weights follows the same styling as the JLN. For example, the proposed logo uses the JLN's styling of fonts from regular, followed by bold. The confusion only worsens the smaller the logo, which will inevitably result in voter confusion when placed on a ballot paper.
2. Per s 129(1)(d) of the Electoral Act, the resemblance of the proposed logo with the JLN logo would cause a reasonable person to think that the 'Tammy Tyrrell for Tasmania' Party has a connection or relationship with the JLN when, in fact, no such relationship exists. Senator Tyrrell's former association with JLN gives greater weight to this consideration. As aforementioned, on a ballot paper, a reasonable person may be challenged to distinguish the proposed logo from the JLN's logo. It is inevitable that a reasonable person, by way of a Tasmanian elector, would confuse the proposed logo with the registered JLN logo. To this end, the JLN strongly believes that registering the proposed logo would be detrimental to the JLN and risks the fairness and integrity of electoral campaigns, most notably on a ballot paper.

Based on the preceding points outlined consistently with ss 129(1)(c) and 129(1)(d) of the Electoral Act, the JLN urges the Australian Electoral Commission to refuse to enter into the Register the proposed logo of 'Tammy Tyrrell for Tasmania'.